

that the property mentioned in the bill of complaint, should be sold.

BLAND, C., 12th March, 1831.—The special and distinctly expressed object of this bill is to obtain a partition of an intestate's estate among his heirs. There can be no doubt, that this Court has jurisdiction to make partition of real estate claimed either by descent, or by purchase; *Corse v. Polk*, 1 *Bland*, 233, *note*; 1831, ch. 311, s. 7; nor can it be doubted, that this Court has the power to make partition of any personal property among its several owners; for indeed it has been said, that a partition of personal estate can only be enforced by a Court of equity. *Smith v. Smith*, 4 *Rand.* 95; *Crapster v. Griffith*, 2 *Bland*, 25. But this bill does not allege that these parties, or any of them, are at present in actual possession of the chattels real of which the intestate died possessed; on the contrary, it has been verbally admitted, that these chattels real passed into the hands of his administrator; and yet remain to be accounted for by him. The administrator of the intestate has not been made a party to this suit; nor could he, with propriety, have been made a party solely for the purpose of obtaining a partition of any of the personal estate in his hands; because the power to make a distribution of the surplus of the personal estate remaining in the hands of his administrator has been conferred upon the Orphans' Court; with which this Court should not interfere; except on account of some special circumstances to which the powers of the Orphans' Court may not be altogether adequate.

**186** Nothing of the sort has \*been intimated in this case; and therefore, as to the chattels real, mentioned in the bill, these parties must be referred to the Orphans' Court to obtain the proper distribution.

Decreed, that the real estate mentioned in the complainant's bill, be sold; that that part of the complainant's bill which relates to the chattels real therein mentioned, be, and the same is hereby dismissed; that Eli Hewitt and Rezin D. Hewitt, be, and they are hereby appointed trustees to make sale of the real estate, &c.

A sale was made accordingly, and the proceeds distributed.

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### WILLIAMS' CASE.

SALES OF INFANTS' ESTATES.—BY-BIDDERS OR PUFFERS.—VALUATION OF LIFE-ESTATES.—DUTY OF TENANT FOR LIFE.

How far the Court has gone, upon general principles, or has been authorized to go, by general or special legislative enactment, in applying the principal of an infant's estate to his maintenance and education.